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*Hollowell, et al.* teaches using electromagnetic actuators to force the cab platform 28 to move in a desired direction. As explained in column 4, lines 16-20, 51-55 and 60-68, the *Hollowell, et al.* reference operates the electromagnetic actuators in pairs differentially to attract the cab platform 28 toward the stem 60 of one of the rails 22. The platform 28 is moved by the actuators using a "net forward force" (line 61).

Actively moving a platform is not the same thing as changing the stiffness of a passive damper. *Fujita's* embodiment using the fluid 22 is a passive damper. Therefore, even if the combination could be made, the result is not what the Examiner contends and there is no *prima facie* case of obviousness.

Additionally, the proposed combination does not provide a workable result and, therefore, cannot be made. The control signals in the *Hollowell, et al.* reference are used to generate a force for moving the platform 28 as described above. The arrangement in the *Fujita* reference is not capable of generating such a force. If the control strategy of the *Hollowell, et al.* reference were introduced into the *Fujita* reference, the result is not workable. The fluid 22 in the *Fujita* reference is not capable of moving the lever 9 or the piston-shaped link 9c. Instead, it only controls how much the piston-shaped link 9c moves within the fluid 22. As already pointed out by Applicants, that only occurs during movement of the elevator car in the *Fujita* reference.

If one were to add the control strategy of the *Hollowell, et al.* reference to the device in the *Fujita* reference, nothing would happen as a result. There is no force applying capability in the *Fujita* embodiment that utilizes the fluid 22. Therefore, the proposed combination does not provide a workable result.

If the Examiner is proposing to redesign the *Fujita* reference to be able to apply a force as suggested in the *Hollowell et al.* reference, that would change the principle of operation of the

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*Fujita* reference. A proposed modification that changes the principle of operation of the reference is not permissible when attempting to establish a *prima facie* case of obviousness.

As the proposed combination cannot be made and does not establish a *prima facie* case of obviousness, all claims should be allowed.

Respectfully submitted,

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Dated: May 20, 2008

CERTIFICATE OF FACSIMILE

I hereby certify that this Request for Reconsideration, relative to Application Serial No. 10/574,653 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on May 20, 2008.

  
Theresa M. Palmateer

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